

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks. Applicant's representative wishes to thank the Examiner for extending him the courtesy of a telephone interview conducted on March 24, 2004, which is summarized in the Interview summary of March 24, 2004.

Claims 1-58 are pending and stand rejected. Claims 30, 40 and 52 have been amended. Claims 59-75 have been added. These amendments are believed not to introduce new matter and their entry is respectfully requested. Upon entry of this amendment, claims 1-75 will be pending. For the reasons stated below, Applicant respectfully submits that all claims pending in this application are in condition for allowance.

Paragraph 2 of the Office Action rejects claims 1-2, 8, 13-22, 26, 30, 35, 40-53 and 58 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,154,727 to Karp *et al.* ("Karp"). Applicant has amended independent claims 1, 13, 18, 30, 40 and 52 to overcome the Examiner's rejection thereto as well as to their respective dependent claims.

Karp discloses a system for tracking clients as they visit recipient locations. (Karp, Abstract). According to the system disclosed in Karp, the service person initiates a call using a telephone and an identification device to contact a computer, which uses information obtained during the call to identify, authenticate and locate the client/caller. (Karp, col. 2, lines 33-39 and col. 7, lines 19-27).

Karp does not teach or disclose "means for causing the portable wireless device to automatically transmit a signal to the service provider so that its location can be determined" or

“location identification means responsive to the transmitted signal,” as recited in claims 1, 13 and 18 or “receiving a signal automatically transmitted from a wireless portable device” or “acquiring location data ... in response to the received signal” as recited in claims 30, 40 or “means for acquiring location data ... in response to a signal automatically transmitted by the means for providing two-way communications” as recited in claim 52. Rather, the system disclosed in Karp relies on the caller/client initiating a telephone call to a computer to initiate the location determination process. Applicant respectfully asserts that such action by the caller/client is not automatic. For example, the caller/client of Karp could simply forget to or refuse to initiate such a call, thereby thwarting the tracking process. Such inaction by the caller/client would be immaterial due to the automatic nature of the embodiments of the present invention recited in claims 1, 13, 18, 30, 40 and 52.

In addition, Applicant respectfully asserts that Karp does not disclose a system that provides a third party service whereby the personnel tracking is provided as a service to others. That is, Karp does not disclose a system wherein a service person track report is “generated by a wireless service provider” and “transmitted to a subscriber” as recited in each of independent claims 1, 13, 18, 30, 40 and 52.

For at least the foregoing reasons, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1, 13, 18, 30, 40 and 52 as well as their respective dependent claims 2, 8, 14-17, 19-22, 26, 35, 41-51, 53 and 58 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,154,727 to Karp.

Claims 3-6, 7, 9-12, 23-25, 27-29, 31-34, 36-39 and 54-57 were rejected in paragraph 2 on page 13 of the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Karp in view of U.S. Patent No. 6,321,092 to Fitch *et al.* ("Fitch"). Applicant respectfully asserts that the amendments to the claims described above overcome the Examiner's rejection.

Fitch discloses a system for using multiple location finding equipment to enhance location information made available to wireless location-based applications. (Fitch, col. 2, lines 23-26.) However, Fitch does not teach or suggest the automatic nature of embodiments of the present invention as explained above, nor does it teach or suggest providing a third party service whereby a service person track report is generated by a wireless service provider and transmitted to a subscriber. As described above, these features of the present invention are recited in claims 1, 13, 18, 30, 40 and 52. As a result, these features are incorporated in their respective dependent claims 3-6, 7, 9-12, 23-25, 27-29, 31-34, 36-39 and 54-57. Because, neither Karp nor Fitch whether taken alone or in combination teach or suggest these features of the embodiments of the present invention recited in the rejected claims, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 3-6, 7, 9-12, 23-25, 27-29, 31-34, 36-39 and 54-57.

New claims 59-75 are believed to be patentable and are presented for consideration.

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

Serial No.: 09/811,632
Art Unit: 2682

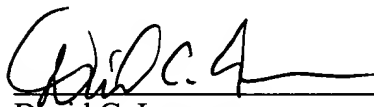
Attorney's Docket No.: BS00-360
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Date: April 2, 2004

Respectfully submitted,

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DCI:kmh

Document #: 1273679 v.1